
CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | www.mercerisland.gov



PLANNING COMMISSION

To: Planning Commission
From: Alison Van Gorp, CPD Deputy Director
Date: May 13, 2021
RE: ZTR19-004 Wireless Code Update

SUMMARY

The proposed code amendment amends MICC 19.06, updating the code sections related to wireless communications and small cell regulations and adopting permanent regulations that are consistent with recent updates to federal regulations.

BACKGROUND

At the April 21 Planning Commission meeting, the commission held a public hearing, and continued the hearing to the May 19 meeting. After the hearing, staff guided the Commission through a review of the recommended code revisions. The Commission had the opportunity to provide detailed input. Staff have integrated this guidance into the attached updated draft code amendment (new revisions shown in red and blue). The updated draft includes the following revisions:

- Consistent usage of the term “Director” rather than “code official”
- Consistent usage of the term “feasible” without modifiers such as “physically”, “technically” or “technologically”.
- Consistent usage of the terms “wireless communications facility”, “WCF” and “small wireless facility”
- Remove from 19.06.040(M) a 90-day cap on emergency temporary wireless communication facilities (instead providing director discretion on length of deployment during emergencies).
- Rewording provisions for equipment in the ROW in 19.06.075(A)(1) to allow the placement of generators in the ROW in the case of emergency or natural disaster.
- Rewording of noise provisions in 19.06.075(A)(2) to provide additional clarity.
- Rewording of replacement/new pole provisions in 19.06.075(A)(4) and 19.06.075(A)(5) to provide additional specificity about meeting ADA requirements.
- Rewording sign provisions in 19.06.075(A)(6) to provide additional clarity.
- Rewording provisions related to secondary use of a pole in 19.06.075(B)(7) and 19.06.075(C)(12) to clarify the process for re-applying to keep a pole in the current location after the nonwireless use of the pole is abandoned. Note that poles would only be allowed to remain if they meet all current

code requirements, including the provisions related to ADA and clear and safe passage through the ROW. Thus, poles that are non-conforming (such as those that obstruct the ROW) would need to be removed and relocated.

Staff are not recommending any revisions to section 19.06.070(C) related to replacement of utility poles and street lighting. We understand that Commissioner Boatsman had concerns about the potential for proliferation of additional street lighting on neighborhood streets related to this provision. However, after discussing the matter in detail with the City Engineer, staff believe that flexibility and staff discretion is desirable related to providing the option to replace or add street light standards when utility poles are replaced. This will enable staff to require that existing lighting be replaced. It will also provide flexibility to require new lighting when it is requested by neighbors, or when staff believe additional illumination is needed near arterial intersections. The City is not pursuing additional illumination on neighborhood streets, unless requested by the neighborhood through a petition process or as part of the review of an individual wireless facility. The City currently receives such requests about once every year or two.

At the May 19 meeting, the Planning Commission will continue the Public Hearing on the draft wireless code amendment. After the public hearing, staff will provide an overview of changes to the draft code amendment and the Commission will have the opportunity to propose any additional refinements.

NEXT STEPS

Final deliberation on this amendment and a recommendation are planned for the May 19 meeting. It is anticipated that the Planning Commission's recommendation will be transmitted to City Council for review at the June 15 and July 6 meetings.

ATTACHMENTS

1. Draft amendment to MICC 19.06